

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
MONDAY, APRIL 5, 2010**

ATTENDANCE: 1st Selectman David Campbell; David Bayne; Jayme Stevenson;
Gerald Nielsen, Jr.; Callie Sullivan

STAFF: Karl Kilduff, Administrative Officer

OTHERS: J. Walter Casey; John Vanderkief; Carole Wilder Tamme;
Bob Steeger

CALL TO ORDER

1st Selectman Campbell called the meeting to order at 7:45 p.m.

PUBLIC COMMENT

Mr. Walter Casey said that on Tuesday, February 16, 2010, the Board of Selectmen allowed Joan Hendrickson, the Town Treasurer, to invest in the Darien Bank & Trust. He asked if any of the Board of Selectmen had a potential conflict of interest on this vote, such as having a close relative working at the bank, perhaps as a Director. Mr. Nielsen said his sister is a Director of the Bank, and he said he didn't see it as a conflict. He also said, in response to Mr. Casey's question, that he did not check this with Counsel. He said that it would not benefit her in any way. Mr. Casey noted that the vote was incorrectly reported in the minutes that are available on-line. Mr. Bayne said the minutes have been corrected. Mr. Bayne noted for the record that he doesn't have a connection with the Bank.

Mr. John Vanderkief, District 5, Chairman of the Planning, Zoning & Housing Committee, said that at the meeting of March 22, 2010, the Board of Selectmen were presented with a report by PZ&H's Study Group regarding 35 Leroy Avenue. He wished to advise the Board of Selectmen that the report was not and has not been approved by the parent of the Planning, Zoning & Housing Committee.

Mr. Bayne noted that Mr. Adelman made it clear that evening that he was presenting a draft report. He thanked Mr. Vanderkief for the clarification, but said that Mr. Adelman said he was speaking in the capacity as a member of the Committee but not on behalf of PZ&H.

Mr. Vanderkief said the purpose of the Study Group was to look into possible alternatives for the use of 35 Leroy Avenue. He said the report was for internal use only, and it was not to contain any recommendations and it was not to be submitted to the outside. He

said that Mr. Adelman gave the report without Mr. Vanderkief's knowledge and he believed, everyone else's knowledge on the Committee. He added that it was definitely without his knowledge and the Vice Chairman's knowledge. Mr. Bayne said that the report was presented at a public meeting of the PZ&H Committee. Mr. Vanderkief said the Committee voted that it was to stay within the Committee, which was the original mission of that Study Group, and the Study Group for Allen O'Neill and the Study Group for Open Space. Mr. Vanderkief said the document was never to be made public or presented at a public meeting, and was done so without authorization.

REPORT FROM CAROL WILDER-TAMME REGARDING ACTIVITIES OF THE DARIEN CHAMBER OF COMMERCE

Ms. Wilder-Tamme gave an update on the Darien Chamber of Commerce activities. She said this is the third time that Darien has presented Darien Goes Green. She said the posters contained graphics done by students at the high school. She said they hoped to be able to implement more recycling efforts in the downtown area. She has talked to the Public Works Department about purchasing recycling bins.

She thanked the Board of Selectmen for approving the three-day sale for the Sidewalk Sale Days and Family Fun Days. She said that the economy has affected some of the storeowners, as they have had to intermittently lay off some workers.

She said the Chamber will continue its Destination Distinction cards. The cards are \$20.00 and can be used repeatedly. She said the Chamber is also working on offering the Restaurant Rate in the fall, with the hopes of having more restaurants participate. The Annual Wine Tasting and Auction will be held on October 14, 2010. She said the Chamber continues to work with the Parents of the Blue Wave Pride Group, and Artworks. She has been in communication with Metro North in the hopes of increasing participation and attendance at events in Darien. She said the annual Tree Lighting will be changed this year, as the big tree that is normally used was damaged in the recent storm and will be taken down. She said the new plans will be announced shortly. She mentioned that the Chamber is working with SCORE to present a Social Networking seminar on May 6, 2010 to help businesses improve their web presences. She said that a menu board and/or a kiosk will be updated with information on ATM's, drug store locations, some restaurants, etc. for people that are in town for an extended time for a particular event. She said that a young member of the Chamber has organized some singing groups to perform at the High School on April 23, 2010 to benefit the Clinton/Bush Haiti fund.

REPORT FORM LEONARD JACKSON REGARDING ALTERNATIVE FLOOD MITIGATION PROJECTS

Mr. Leonard Jackson presented information on the flooding problem on Heights Road. He said that there is a certain drainage area of the Town where all rain ends up at a

certain location on Heights Road. The area is about 122 acres. He said the reason the area floods is because the pipe under the railroad is not big enough for the water flow. The excess flow of water is then stored in the low point, which is Heights Road. He said he was asked to evaluate several potential alternatives to eliminate flooding in this area. The original alternative was to pipe the water under the railroad with a bigger, parallel pipe, which he pointed out would increase the discharge rate downstream and increase the frequency of flooding downstream. The mitigation was for construction at Baker Park, which turned out to be unacceptable. Other alternatives include removing an existing sanitary sewer line that runs along the inside of the 3x4 box culvert. That would decrease the amount of flow area from 12 sq ft, to 11 sq ft, which diminishes the capacity of the culvert. If the sanitary sewer line was removed, and moved it elsewhere to increase the capacity of the box culvert, the benefit would be a flood depth of 3 ft 10 inches vs. 4 ft. That would not be a viable alternative. The next alternative was to detain, or store, the pond somewhere under Heights Road by excavating a hole. He said they tried to come up with an underground storage system along Heights Road. He suggested they excavate all of Heights Road and use the void space to store water, thereby creating a detention system. The benefit was similar to that of removing the sanitary sewer line within the culvert, which didn't reduce the frequency of flooding to any significant degree. The third alternative was to utilize a redevelopment area, the Stop & Shop area. He suggested that a concrete chamber detention area be created under the parking lot. That might be a practicable solution, but he wasn't sure if it was cost effective. The area underground would be 2 acres. The cost is approximately \$3.5M. The reason it wasn't considered before was due to the fact that it's not public land. They would have to get the cooperation of the developer. He said it was one solution that gave them a reasonable way of affecting the solution. He said he uses as a guide a design to handle a 100-year storm. There is a 1% chance of this flood occurring each year. He said the chances increase to 1-in-4 if you design against the 100-year storm. Many states require this design implementation, with the addition of two feet of freeboard.

Mr. Jackson went on to explain other alternatives, all provided in his report. He answered questions from the Board of Selectmen regarding the flood mitigation project.

In summary, of all the flood control project alternatives considered, the construction of an underground reinforced concrete storage chamber at the redeveloped Stop and Shop at a cost of approximately \$3,500,000 appears to be the preferable alternative. Land costs have not been considered for this alternative which is to be constructed on private property. Detention at this location can be achieved utilizing smaller storages at lesser costs but yielding concomitantly lesser protection.

This alternative is based upon the redevelopment of the commercial area at Heights Road and includes no land costs anticipating that the developer contributes land to this program. A more logical solution however requires no new detention facilities. Apparently the proposed redevelopment of the area may include the purchase of one or more of the commercial properties now subject to flooding. Each purchase makes the

prospect of the developer acquiring additional properties more likely, leading to at least the possibility of obviating the need for a flood control project since a redevelopment would be constructed at flood free elevations. Alternatively, the costs of public acquisition and demolition of the remaining buildings becomes more economically viable and should be considered. Of course, the costs of public acquisition must be balanced against the benefits to the community and compared to the risks associated with allowing the remaining buildings to continue to flood periodically. In conclusion, the redevelopment of this area could ultimately obviate the need for a flood control project.

NEW BUSINESS

- a) Discuss and Take Action on Request for Special Appropriation for Paving Reimbursement under the ARRA Grant Funding

Mr. Kilduff said this appropriation is similar to the JAG Grant for the Police Department, and since there is not an appropriation of this magnitude yet established, it ultimately means that it has to go to the RTM.

**** MS. SULLIVAN MOVED TO APPROVE A SPECIAL APPROPRIATION IN THE AMOUNT OF \$908,000 FOR PAVING REIMBURSEMENT UNDER THE ARRA GRANT FUNDING.**

**** MR. NIELSEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- b) Discuss and Take Action on Board of Selectmen Communication Protocol

The following additions and corrections were made:

In the first paragraph, the first sentence should read: "The First Selectman will give notice to all Selectmen, via email with a "reply all" request for verification that the email was received and acknowledged, of dates and times he will be out of town"

In the first paragraph, the last sentence should read: "All board members will notify each other of trips out of town for longer than two days, and shall contact the First Selectman upon return."

In the second paragraph, the last sentence should read: "All board members and the Town Administrator will be notified by the returning First Selectman immediately upon his return."

Ms. Stevenson said in the future, it would be helpful if the members of the Board of Selectmen working in an emergency situation get together during the emergency to

review and recap the state of affairs, roles played, etc. Mr. Bayne said that he had called Ms. Stevenson on Sunday night to call a meeting, and then realized that they were the only two Selectmen in town. He then called the Emergency meeting for Thursday night.

More corrections were mentioned, specifically the second to last paragraph. It was agreed that the information listed would be problematic for the future Acting 1st Selectmen, and it was agreed that the paragraph and information could be further clarified under the emergency language of FOIA.

The last paragraph should have the following added: "If the First Selectman has any specific directives he would like to have enacted in his absence, he would communicate them to the Acting 1st Selectmen, who would then communicate them to the Board of Selectmen."

- c) Discuss and Take Action on Approval of 6th Annual YWCA Push-n-Pull Parade on July 4, 2010

**** MS. STEVENSON MOVED TO APPROVE THAT THE BOARD OF SELECTMEN OF THE TOWN OF DARIEN HEREBY GRANTS PERMISSION TO THE DARIEN/NORWALK YWCA TO HOLD THE 6TH ANNUAL PUSH-N-PULL PARADE TO BE HELD JULY 4, 2010, SUBJECT TO THE REQUIREMENTS OF THE DARIEN POLICE AND PARKS & RECREATION DEPARTMENTS.**

**** MS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- d) Discuss and Take Action on Approval of Braking the Cycle Bicycle Ride on September 26, 2010

**** MR. NIELSEN MOVED TO APPROVE THAT THE BOARD OF SELECTMEN OF THE TOWN OF DARIEN HEREBY GRANTS PERMISSION TO BRAKING THE CYCLE TO HAVE ITS FUND-RAISING BICYCLE RIDE COME THROUGH PART OF THE TOWN OF DARIEN ON SEPTEMBER 26, 2010, SUBJECT TO THE REQUIREMENTS OF THE DARIEN POLICE DEPARTMENT.**

**** MR. BAYNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- e) Discuss and Take Action on Resolution Authorizing and Directing the First Selectman to Execute a Grant Agreement with the State of Connecticut for \$210,000 in Small Town Economic Assistance Program funds for the Fire Training Facility

**** MS. SULLIVAN MOVED THE FOLLOWING RESOLUTION
AUTHORIZING AND DIRECTING THE FIRST SELECTMAN TO
EXECUTE A GRANT ASSISTANCE AGREEMENT WITH THE STATE OF
CONNECTICUT FOR SMALL TOWN ECONOMIC ASSISTANCE
PROGRAM GRANT FUNDS.**

**WHEREAS, THE TOWN OF DARIEN RECEIVED NOTICE THAT IT
WOULD BE AWARDED A GRANT OF \$210,000 FROM THE SMALL TOWN
ECONOMIC ASSISTANCE PROGRAM (STEAP) GRANT PROGRAM; AND**

**WHEREAS, SUCH FUNDING WAS APPLIED FOR TO SUPPORT THE
MODERNIZATION OF THE TOWN FIRE TRAINING FACILITY; AND**

**WHEREAS, THE BOARD OF SELECTMEN WISH TO RECEIVE STATE
APPROPRIATED GRANT FUNDS; AND**

**WHEREAS, PURSUANT TO CGS 4-66g, THE CONNECTICUT
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT IS
AUTHORIZED TO EXTEND FINANCIAL ASSISTANCE FOR THE TOWN'S
REQUESTED PROJECT.**

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SELECTMEN
OF THE TOWN OF DARIEN.**

- 1. THAT IT IS COGNIZANT OF THE CONDITIONS AND
PREREQUISITES FOR THE STATE ASSISTANCE IMPOSED BY CGS 4-
66g, AND**
- 2. THAT DAVID M. CAMPBELL, FIRST SELECTMAN IS AUTHORIZED
AND DIRECTED TO EXECUTE AN ASSISTANCE AGREEMENT WITH
THE STATE OF CONNECTICUT FOR STATE FINANCIAL
ASSISTANCE, TO PROVIDE SUCH ADDITIONAL INFORMATION, TO
EXECUTE SUCH OTHER DOCUMENTS AS MAY BE REQUIRED, TO
EXECUTE ANY AMENDMENTS, DECISIONS, AND REVISIONS
THERE TO, AND TO ACT AS THE AUTHORIZED REPRESENTATIVE
OF THE TOWN OF DARIEN.**

**** MS. STEVENSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

f) Transfers

Police Department

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10302213-82007	Prof. Services	\$975
	TOTAL	\$975

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10302273-82007	Training Services	\$975
	TOTAL	\$975

**** MS. SULLIVAN MOVED TO APPROVE THE TRANSFER OF \$975 FROM THE PROF SERVICES ACCOUNT (10302213-82007) TO THE TRAINING SERVICES ACCOUNT (10302273-82003) FOR TRAINING SERVICES.**

**** MR. NIELSEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
30441014-908600	RFCNRE Contingency	\$55,000

TOTAL	\$55,000
--------------	-----------------

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
TBD	Back-Up Radio	\$55,000
TOTAL		\$55,000

**** MR. BAYNE MOVED TO APPROVE THE TRANSFER OF \$55,000 FROM THE RFCNRE CONTINGENCY ACCOUNT (30441014-908600) TO ACCOUNT TBD FOR THE BACK-UP RADIO.**

**** MR. NIELSEN SECONDED.**

**** MOTION PASSED UANIMOUSLY.**

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10304010-82033	Program Expense	\$1,900
TOTAL		\$1,900

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10304010-82034	Software Maintenance & Supp	\$1,900
TOTAL		\$1,900

**** MR. BAYNE MOVED TO APPROVE THE TRANSFER OF \$1,900 FROM THE PROGRAM EXPENSE ACCOUNT (10304010-82033) TO THE**

**SOFTWARE MAINTENANCE & SUPP ACCOUNT (10304010-82034) FOR
SOFTWARE MAINTENANCE & SUPP.**

**** MR. NIELSEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

FIRE COMMISSION

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10704000-86600	Contingency	\$1,523
	TOTAL	\$1,523

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
TBD	Fire Watch	\$1,523
	TOTAL	\$1,523

**** MS. SULLIVAN MOVED TO APPROVE THE TRANSFER OF \$1,523 FROM
THE CONTINGENCY ACCOUNT (10704000-86600) TO ACCOUNT TBD
FOR THE FIRE WATCH.**

**** MS. STEVENSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

FIRST SELECTMAN'S REPORT

1st Selectman Campbell said that he was unsure of some information in Ms. Sullivan's recent letter to the Editor about the property tax base decrease possibly being reduced by 10%. He said the \$670M reduction in property value, if it happened, would be a catastrophe. Some discussion took place about the contents of the letter and the tax

figures, appeals, etc. Mr. Kilduff said that any further discussion about land use appeals, tax assessment appeals, etc. would have to be discussed in Executive Session.

It was mentioned that any Selectman who submits information in writing should be sure to have it correct. It was further mentioned that the Selectman should be aware of what other Selectman are requesting, as in the Senior Center, or other pertinent issues, and especially when they are requested multiple times. Discussion took place regarding pertinent Town issues such as the Senior Center, the library, DCA, task forces, etc.

Ms. Sullivan apologized for any misunderstanding related to the letter she sent to the Editor. 1st Selectman Campbell accepted Ms. Sullivan's apology.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff said the report from the CCM he distributed to the Board of Selectmen regards mandates that the General Assembly has in mind for municipalities. Some of them include cost shifting from the State levels to the taxpaying community. This goes on every year, and every year they try to roll back the ideas. Some do get approved, and that translates into increased operating costs for things such as in-school suspension, and lowering the age of people who have to be detained. That is an issue for the Police Department and their current facilities.

He said they are moving forward with the Energy Grant. A special appropriation is not needed for this grant as they had a pre-existing account for the renovations to the Town Hall building.

The Depot grant will be closed out in the next two weeks with capital repairs being complete.

Mr. Kilduff said they are working on having the Safe Rides program become a Town-sponsored program and covering the insurance.

AGENDA REVIEW

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Regular Meeting of February 1, 2010

The changes to the minutes of the Regular Meeting of February 1, 2010 are as follows:

On page 2, fourth paragraph, the second sentence should read: "Mr. Steeger said it was not likely that it would be relevant."

On page 3, first paragraph, the fourth sentence reading “Mr. Steeger confirmed to Mr. Bayne that he had not heard back yet from the Commissioner” should have the following added: “with respect to the issuance of the Baker Woods DEP permits.”

On page 4, first paragraph, 1st sentence, change “Mr. Hilduff” to “Mr. Kilduff”.

On page 5, first paragraph, the second sentence should read: “He added that he would like the plan to be reviewed by the staff from the Police Department.”

On page 5, fourth paragraph, the third sentence should read: “The DEP told the town (the prior administration) that they could substitute and find a different one.”

**** MR. BAYNE MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 1, 2010 AS AMENDED.**

**** MS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Special Meeting of March 18, 2010

**** MS. SULLIVAN MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF MARCH 18, 2010 AS AMENDED.**

**** MR. BAYNE SECONDED.**

**** MOTION PASSED WITH FOUR (4) VOTES IN FAVOR (BAYNE, CAMPBELL, STEVENSON, SULLIVAN) AND ONE (1) VOTE ABSTAINED (NIELSEN).**

Regular Meeting of March 22, 2010

**** MR. BAYNE MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MARCH 22, 2010 AS AMENDED.**

**** MR. NIELSEN SECONDED.**

The changes to the minutes of the Regular Meeting of March 22, 2010 are as follows:

On page 2, last paragraph, first sentence, change “Weed Beach Building Committee” to “Weed Beach Building Committee Chair, Debbie Parnon.”

On page 2, last paragraph, fourth sentence, change “process” to “progress”.

On page 3, first paragraph, the sixth sentence should read: “Ms. Stevenson said that \$500,000 for the Pear Tree Point Beach Plan is on the report.”

On page 3, second paragraph, the first sentence should read: “Ms. Parnon explained that money has been shifted around in 3 different accounts for the Weed Beach project, but probably not more than \$500,000 had been spent to date on the project.”

On page 3, fourth paragraph, second sentence, change “\$95M level” to “\$85M level”.

On page 4, first paragraph, add the following as the second sentence: “Mr. Bayne suggested that the sale of 35 Leroy be considered as a potential funding source for Senior Center renewal.”

On page 4, 3rd full paragraph, the eighth sentence should read: “Mr. Bayne asked Mr. Stegelman if the Board of Finance had considered selling 35 Leroy as a potential funding source for a future Senior Center.”

On page 4, 3rd full paragraph, the ninth sentence should read: “It was mentioned that the Dillard property next to the high school could be sold, but because it is parkland, it would have to be replaced as other parkland.”

On page 4, 3rd full paragraph, add the following as the tenth sentence: “Ms. Stevenson did not agree with selling 35 Leroy because of a drop in its valuation.”

On page 5, the fourth full paragraph should read as follows: “Ms. Debbie Parnon, Chairman of the Weed Beach Building Committee, explained that when the Weed Beach project is completed, the playground will no longer be near the parking lot because a significant amount of the parking lot is being removed. The playground juts out into the parking lot now because the bathhouse was to be moved as part of the Master Plan. She said that it was not financially feasible to do the project in phases, and just renovate the area near the playground.”

On page 5, sixth paragraph, the seventh sentence should read: “It was mentioned that it would be preferable to review on a year-to-year basis so if not in compliance, the Town has the right to not renew the license.”

On page 12, under ADMINISTRATIVE OFFICER’S REPORT, remove the stray period after the 3rd sentence.

On page 12, under ADMINISTRATIVE OFFICER’S REPORT, second paragraph, the first three sentences should read: “Mr. Kilduff said they sent a report to Hartford outlining the requested information on the cost of damages to the community from the March 13 and March 14, 2010 storm. The total damage cost was \$268,000.

Reimbursement will depend on whether the FEMA threshold was met for lower Fairfield County.”

On page 12, under ADMINISTRATIVE OFFICER’S REPORT, second paragraph, the fifth and sixth sentences should read: “He said the use of Code Red during the storm used all of Darien’s plan minutes. The plan had been a limited calling plan, and a transfer request will be made to change it to an unlimited calling plan.”

**** MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

April 6, 2010	Board of Selectmen Joint Dept Heads Meeting at 8:30 a.m.
April 6, 2010	Planning & Zoning Commission Planning Meeting at 8:00 p.m.
April 6, 2010	Board of Finance Budget Meeting at 7:30 p.m.
April 7, 2010	Board of Education Regular Meeting at 7:30 p.m.
April 8, 2010	Board of Finance Preliminary Budget Vote at 7:30 p.m.
April 19, 2010	Board of Finance Final Budget Vote at 7:30 p.m.
April 21, 2010	Parks & Recreation Commission Regular Meeting at 7:30 p.m.

OTHER BUSINESS

(Any items added to the agenda require a two-thirds vote)

ADJOURNMENT

**** MR. BAYNE MOVED TO ADJOURN.**

**** MS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

